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**Minutes of Meeting
Grafton Planning Board
January 25, 2010**

A regular meeting of the Grafton Planning Board was held on Monday, January 25, 2010 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Bruce W. Spinney III, Vice-Chairman, Robert Hassinger, Clerk Peter Parsons, Heath Christensen, Stephen Qualey and Associate Member Sadie Miller. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 7:00 p.m.

**ACTION ITEM 1-A – REQUEST FOR BOND REDUCTION – “FOREST HILLS”
– PHASE VII – COMMONS DEVELOPMENT GROUP, INC., PETITIONER**

Jack McBride, President of Commons Development Group, Inc., discussed with the Board his request for Bond reduction with the completion of all the phases of the Forest Hills Condominiums project. Mr. McBride reviewed the outstanding issues noted in the Graves Engineering review letter and their recommendation for a final inspection in the spring to inspect the drainage related issues. Mr. McBride informed the Board that he had compiled a cost estimate to reduce the surety to \$28,500.00 for the outstanding issues for the spring inspection, including 20% for the final top coat paving and \$2,500. for landscape touch up. Mr. McBride also noted that the Town was holding over \$180,000.00 in cash securing the current surety and that those funds are needed for financial obligations. Mr. McBride submitted a letter from the Forest Hills Condominium Association accepting responsibility for maintenance of the roadways and landscaping for the entire project, which he stated takes the burden of responsibility off the Town.

The Board expressed concerns on how this specific Bond reduction request should proceed and requested Staff to contact Town Counsel for advice on the application of the existing surety as well as written confirmation on the amount from Graves Engineering.

Chairman Spinney received unanimous consent to table this item to the next Planning Board meeting in order to obtain this information.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Qualey, **SECOND** by Mr. Hassinger, to approve the open session minutes of December 14, 2009 and January 11, 2010 as drafted. **MOTION** carried unanimously 5 to 0.

**SP 2009-11 – HILLTOP PROPERTIES, LLC (APPLICANT/OWNER) –
“HILLTOP PLAZA” – 100 MILFORD ROAD**

Mr. Hassinger read the legal notice and Chairman Spinney opened the public hearing. Present for the hearing were owner/applicant Rocco Addeo, his attorney Joseph Antonellis, and his engineers Michael Weaver and Norman Gamache of Guerriere & Halnon, Inc.

Mr. Weaver reviewed the previous project information with the Board, noting that the project had met all but five of the Planning Board's Findings in their decision, which included additional shrubs to screen headlights, a crosswalk to Violet Lane, and specificity of intended uses. Mr. Weaver further explained the inability to install a traffic light and a left turn lane due to the project not warranting the requirements needed. Mr. Weaver also noted the previous plans had been revised to address the additional Graves Engineering comment in their review letter of January 8, 2010.

Chairman Spinney asked if the abutters had seen any of the changes to the plans or the specific list of uses that had been submitted. The abutters collectively stated they had not been shown the revised plans or submitted uses through correspondence or a meeting.

The Board continued discussion of the vehicle and pedestrian traffic concerns for the area and were told by Mr. Weaver that there was just not sufficient traffic to warrant the traffic light or left turn lane. Rebecca Brown, Traffic Engineer for Greenman-Pedersen, Inc., informed the Board of the Mass DOT approval requirements for which these statements have been based.

Mr. Weaver added that they had added advanced warning signage of approaching a crosswalk, a painted crosswalk across the roadway, and that there were already streetlights illuminating the area for the subdivision.

Mr. Hassinger remarked that the Planning Board needed to acknowledge whether the re-submission of the specificity of the uses for the project is sufficient information for the Board to proceed again and re-open the new special permit proposal.

Mr. Weaver wished to note that the re-submitted project information has been available at the Planning Office since November 30, 2009 for public viewing.

Mr. Addeo wished to note that he has not been included in any of the abutter meetings or correspondence with regard to the resubmission of the project.

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to find sufficient modification of the original application to warrant a new public hearing. **MOTION** carried unanimously 5 to 0.

Chairman Spinney requested Mr. Weaver read aloud and review the list of uses submitted since the public was not aware of the new submissions. Mr. Addeo noted that he had been invited to three meetings in the past and had attended them all, but he had not been invited to any of the abutter meetings with regard to the re-submission.

Mr. Christensen asked about any type of liquor store or bar possibility and was told there was no intent to install either; however they may well have a restaurant serving alcohol. Mr. Hassinger noted his concerns with any drive-thru type establishments. Mr. Weaver stated that any drive-thru type businesses are taken into account in the traffic analysis. Mr. Christensen asked if the traffic study takes into consideration the “worst case scenario” combination of business uses.

Chairman Spinney asked if there was any public input at this time.

Ronald Fairhurst of 21 Cherry Lane expressed concerns for the traffic study taking into consideration that there is a school bus stop directly across the street at Violet Lane; if the tenants will be secured first prior to building or after the building is completed; the Town’s protection if the project fails since the applicant is a private citizen and not a large corporation; and if any type of gas station is off limits with regard to uses.

Christy Rosenhahn of 2 Seaver Farm Lane stated that her home directly abuts Milford Road and that her home was purchased to live in a country setting and not in a commercial area such as the Worcester Street area. Ms. Rosenhahn clarified that she is not against the project housing doctor or dental offices, veterinary services or even a type of school, but does not want to live amongst commercial drive-thrus such as fast food restaurants or Dunkin Donuts.

Allison Sanborn of 38 Cherry Lane expressed concerns for the traffic on Milford Road, citing a recent accident that occurred and asked if the traffic study takes these things into consideration.

Dana Wilson of 16 Seaver Farm Lane informed the Planning Board that the uses do not fit into a community within a country setting and will change the area dramatically. Ms. Wilson asked whether the buildings will be built on spec or built and then rented, as she does not want to see any more empty plazas or buildings in town. Ms Wilson also expressed concerns of the roadway connecting with Northbridge in the future; the Board rejecting any backlit signage; and any possible way of trading off the commercialism for a residential project for the area.

Mr. Parsons reminded Ms. Wilson that there were an awful lot of empty houses around the Town also.

Mr. Weaver stated they were aware that the children congregated on Violet Lane for the school bus stop and drop off, but that it was a contained stop and they did not have to cross the street and that parents need to take responsibility for their children if they will be crossing the street. Mr. Weaver also noted that the land is zoned OLI, is being developed as it is zoned, and his client is trying to provide services for persons living in the area. Mr. Weaver added that in response to previous concerns, a gas station was not under consideration at all, the site would be developed within the guidelines of the zoning for the area, and there was no intent to connect with Northbridge.

Attorney Antonellis informed the Planning Board that his client would need to file an amended site plan if he ever tried to connect with the Northbridge land. Attorney Antonellis also added that the Board has the authority to control and regulate the completion of the project with relation to the infrastructure through bonding amounts.

Mr. Hassinger suggested asking Town Meeting to change the zoning and Attorney Antonellis stated he would address that issue at the next Planning Board meeting. Mr. Weaver added that they will be keeping the OLI zoning based on the previous guidance of the Planning Board.

Paresh Patel of 15 Violet Lane expressed concerns for a left turn lane coming from the Upton side of Milford Road.

Jeffrey Moore of 25 Pratt Street expressed concerns for any blasting to be done and what effect it will have on the homes around the area.

Mr. Weaver stated that when they did soil testing on the site, it was found to be mostly gravel and that no blasting is anticipated.

Ms. Miller reminded Mr. Weaver that there had been a request for a front illumination sign.

Attorney Antonellis concluded stating that Mr. Addeo was available to discuss the project with anyone and any concerned abutters can provide him with their email in order to receive a list of posted uses that have been discussed.

MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, to accept the applicant's written request to continue the public hearing to February 8, 2010 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

**MRSP 2009-12 D & F AFONSO BUILDERS, INC. (APPLICANT/OWNER) –
“VILLAGE AT INSTITUTE ROAD” – OFF INSTITUTE ROAD AND
WESTBORO ROAD**

Mr. Hassinger read the legal notice and Chairman Spinney opened the public hearing. Present for the hearing were applicant/owner Dominic Afonso, his attorney Suzette Ferreira, his engineers Michael Weaver & Normand Gamache of Guerriere & Halnon, Inc., and Traffic Engineer Rebecca Brown of Greenman-Pederson, Inc.

Mr. Weaver gave the Board a brief background of the project stating the 47.8 acre site, located off Institute Road and Westboro Road, has 33.1 acres to be developed under a Major Residential Special Permit and the remaining 14.7 acres with OLI zoning will be retained for future development. Mr. Weaver added that the Conventional plan contains 46 lots with three roadways, the Flexible plan contains 51 lots with three roadways, and that the area is mostly wooded with .83 acres of wetland and a vernal pool. Mr. Weaver

noted they were requesting only one waiver from Section 4.2.1.2 Curbs & Berms, were revising plans to incorporate a looped sidewalk as suggested by Graves Engineering, and were continuing to work with the Conservation Commission to protect the vernal pool area. Mr. Weaver also reviewed the Environmental & Community Impact Analysis submitted with their application package, specifically concerns for the vernal pool protection.

Mr. Gamache added that they were presenting the project to the Conservation Commission and all designs were 100 feet from the vernal pool area. Mr. Gamache noted they had addressed a similar situation at the Brookmeadow Village Subdivision with much success.

Rebecca Brown discussed traffic concerns with the Board, specifically the structure, site distances and durability of Institute Road to accommodate this project.

Robert Carroll of 72 East Street expressed concerns of a previous DCAMM meeting with the Town, specifically listing conditions and restrictions for sale of the property and asked if that information had been considered. Mr. Carroll also noted there were wildlife trails located throughout the land which would be disrupted.

Nancy LaHair of 97 Westboro Road stated she was opposed to any development of this area and asked the Board to protect the wildlife within the area.

Dominic Afonso informed the Board that he had purchased the land at the State auction four years ago and it was a straight sale of the land with no restrictions on the deed.

Mr. Gamache wished to note that Town records indicate Institute Road has never been formally accepted by the Town of Grafton, that the DPW has been taking care of this roadway since 1946, and that the current status of the road is that of a public way. Ms. Brown reviewed the Mass DOT regulations and State guidelines that were used in making a determination of Level Service E for the traffic study done for the roadway.

Mr. Qualey noted there were comments from the Grafton Water District that needed to be addressed.

Chairman Spinney asked about the timeline of the selling of the homes with the economic situation of the housing environment. Mr. Weaver stated that they were seeing indications of the housing market improving and there was up to a year before the permitting would be in place to actually begin the construction period. Mr. Gamache added that Mr. Afonso builds a high quality home, selling 15 homes last year and selling more this year, which is a direct benefit of funding the projects himself.

Robert Carroll of 72 East Street wished to note that the housing in December had its biggest drop since 1947, and asked what uses for the Residential portion of the project would be part of the Industrial portion of the site. Mr. Weaver stated there was nothing

planned for the Industrial portion other than the drainage uses for the subdivision. Mr. Carroll also added that he had serious concerns for the Board allowing construction off a roadway that is not suitable for the proposed traffic use.

VOTE TO EXTEND DURATION OF MEETING BEYOND 10:00 P.M.

MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, to extend the Planning Board meeting beyond 10:00 p.m. **MOTION** carried unanimously 5 to 0.

Mr. Hassinger stated that the By-Law has been amended to ensure that the Open Space donated to the Town is more beneficial to the Town.

Mr. Weaver informed the Board that they had received Graves Engineering review comments on the plans submitted, but prior to preparing a response they want to get the Planning Board's input on the project.

Chairman Spinney noted the Board will be interested in hearing which plan the Conservation Commission is favoring with regard to vernal pool preservation.

MOTION by Mr. Parsons, **SECOND** by Mr. Christensen, to accept the applicant's written request to continue the public hearing to February 22, 2010 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – "HILLVIEW ESTATES II" SUBDIVISION – DAVID BROSSI / HILLVIEW ESTATES, INC. (APPLICANT/OWNER) – EXTEND CONSTRUCTION DEADLINE

Mr. Hassinger read the legal notice and Chairman Spinney opened the public hearing. Present for the hearing were applicant/owner David Brossi and his engineer Normand Gamache of Guerriere & Halnon, Inc.

Mr. Gamache informed the Board that Mr. Brossi has begun the Determination of Completeness process for the subdivision with submission of the street layout plan, as-built plan and the legal descriptions for the roadway and associated easements. Mr. Gamache added that Graves Engineering has inspected the site and issued review comments outlining the remaining construction related issues for which Mr. Brossi is requesting an extension to the construction deadline to complete the final stages.

MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, to grant the applicant's written request to extend the construction deadline for one year. **MOTION** carried unanimously 5 to 0.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “MAGNOLIA FARMS”
SUBDIVISION – WEBSTER BANK, N.A. (APPLICANT) – E.D. (I) MAGNOLIA,
INC., (OWNER) – EXTEND CONSTRUCTION DEADLINE**

Mr. Hassinger read the legal notice and Chairman Spinney opened the public hearing. Present for the hearing was Attorney Kathleen Connolly of Murtha Cullina, representing Webster Bank, N.A.

Attorney Connolly informed the Board that most of the work has been completed with regard to the subdivision with a few outstanding items currently being addressed, specifically the corrected As-built plans. Attorney Connolly explained the problem lies in Conservation restriction information being straightened out. Attorney Connolly noted they were hoping to file shortly for their Determination of Completeness and need the extension of time to complete the final items.

Roger Hammond of Hammond Contractors, subcontracted through A.J. Martini Construction, informed the Board that they have a financial interest resulting in a mechanics lien on the subdivision property. Mr. Hammond stated that they are responsible for the As-built plans and have had many issues to deal with, but wished to bring this issue to the attention of the Board.

Attorney Connolly remarked she was unable to comment on the dispute, but hoped it would be resolved quickly between the two parties.

MOTION by Mr. Parsons, **SECOND** by Mr. Qualey, to grant the applicant's written request to extend the construction deadline for one year. **MOTION** carried unanimously 5 to 0.

STAFF REPORT

Mr. Bishop informed the Board he had presented the Fisherville & Farnumsville Streetscape Project to the Board of Selectmen at which time a committee has been established. Mr. Bishop stated he wanted to extend the opportunity for consideration of any Planning Board member interested to become a liaison on this committee. Mr. Bishop added that he would continue to provide his liaison status to the Board. Chairman Spinney indicated his interest in being considered.

Chairman Spinney received unanimous consent to become the Planning Board liaison on the Fisherville & Farnumsville Streetscape Project Committee.

Mr. Bishop stated he would forward Chairman Spinney's name to the Board of Selectmen for the next meeting.

Mr. Bishop also discussed with the Board that he had met with a member of the Governor's Cabinet with relation to securing funding for the Streetscape project. Mr.

Bishop stated he was told all of the monies from the first round of funding had already been programmed, but in the likely event that some of the projects are not shovel ready, it may still be possible to have some funding available. Mr. Bishop noted he would continue through the channels of Senator Moore, State Representative Peterson, Congressman Neal and Lt. Governor Timothy Murray on financing.

REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

Mr. Hassinger stated he has been forwarded information that the adoption of pre-disaster mitigation has been reopened and the Board should be aware to consider ways to take advantage of the monies available.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to adjourn the meeting.
MOTION carried unanimously 5 to 0.

The meeting adjourned at 10:55 p.m.

Peter Parsons, Clerk